G. R. S. 58]

Previous references.

G. File No. 57-10

1910-11

Serial Nos. 1-2

(Courts.)

Later references.

8th 3th of this file
do 1-25-40

GENERAL AND REVENUE SECRETARIAT.

Serial Nos. 1-2

Part B for November 1910.

SUBJECT.

Power to the 1st Class Magistrate, to try Cases under the Breach of Contract Act

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1 From the Dist. Magte. Bangalore.
No. 982 of 18-8 1910.
Requests to be informed whether Magistrates of the 1st class should be Specially empowered to try Cases under the Breach of Contract Act

GPB—5,000—22-10-10

2. To the District Magistrate, Bangalore
No. 1581 of 25-11-1910
States that Special authorization is necessary and the Case of 1st Class [illegible]

G.R.S. 11] 190-11

GENERAL AND REVENUE SECRETARIAT.

(Courts)

NOTES.

Cts File No. 57-10

FILE HEADING.

Powers of first Class Magistrates under the Breach of Contract Act

From

The District Magistrate of Bangalore.

No. S. 82 Dated 18. 8. 10 Received 22. 8. 10.

Diary No. 523 | Enclos. nil Spare Copies | Serial No. 1

BRIEF ABSTRACT OF LETTER.

Requests to be informed whether ~~the~~ a Magistrate of the 1st class in this State is a Magistrate of Police for the purposes of Section 5 of the Breach of Contract Act, and if not, whether they should be specially empowered under that Act.

NOTES AND ORDERS.

Subd. No instances of 1st Class Magistrates being empowered under the Breach of Contract Act could be traced. Only Second and Third Class magistrates are now being recommended for those powers

NOTES—First sheet

GPB—30,000—3-4-07.

G. R. S. 12]
General and Revenue Secretariat.

Ct File No. 57 of 190-11

Serial No.

There being no class of Police Magistrates in Mysore, Special investiture of powers under the said Act seems necessary even in the case of 1st Class magistrates. It may not be necessary to specially empower the D.S. of Police in Mysore, when he is authorized to exercise 1st Class powers, which is given to that officer under Section 13 of the Police Regulation

Subd for orders.

Secs SN
27-8-10

2 There are no magistrates of the "Police" in Mysore. Special investiture seems, therefore, to be necessary in the case of each magte, (including a first class magte) of appd the D. magte will be informed accdgly

30/8/10

2nd C/3

I believe 1st Cl. Magtes have been exercising these powers hitherto without special

NOTE—Contn. sheet.

GPB—55,000—27-4-09

Serial No.

authorisation. How was this allowed? Is there nothing in the Police rules or Police Regn? or was any general order issued by Govt? Search may be made & if unsuccessful, the 31/8/10 Chief Consulted,

Hm

Nhe

SA

2/9/10

4

Subd. Having regard to the instructions issued to the Chief Court in this office Communication N° 14059 & 30.6.96, J1612 (an extract from the Monthly Progs, Volumes is put up as the papers are said to be not easily traceable), it may perhaps be assumed that even 1st Class magistrates should be specially empowered under the Breach of Contract Act. But the Powers Register maintained in the Branch does not give any instance of such investiture. The

NOTE—Contn. sheet.

GPB—55,000—27-4-09

Serial No.

Chief Court may perhaps be consulted unofficially Submitted for orders.

Sd/ 8.9.10

8/9

Forwarded to the Registrar of the Chief Court for favour of noting the information, if available.

B. O.

Shivayamaiya

For Sec'y.

12/9/10.

The expression 'Magistrate of Rule' means 'Presidency Magistrate' (section 3 (2) of the British India Code of Criminal Procedure). No Magistrate can exercise powers under 'the Workmen's Breach of Contract Act 1859' unless he is specially invested. In British India all Magistrates of the first class have I believe been invested -

13.IX.10 Ernest Ag C.J.

No: 1274/79

6. The file is retransmitted with the remarks of the Chief Justice

Mayilvahanam

Regr. Chief Ct.

14-9-10

III 15/3 Mr.

J. J.D

GPB—55,000—27-4-09

Serial No.

1 Subd for orders

Stes SN
15.9.10 16/9/10

8 Pntapa reply to the Dist Magte stating that Special authorisation is necessary

Sd
17/9/10.

9 Draft herewith submitted, as directed

cyclt SN
17.9.10 21/9/10

Sd
22/9/10

479.

2nd 10
Can the office turn up the act of Br. Pr. in force in 1853, or Regn
to see how 'Magte of Police' is defined. Please see in all the Acts about Cr Pr Code-

22/9/10

Sd
24/9/10.

cs 24/9/10

$.J.D

NOTE—Contn. sheet.

GPB—55,000—27-4-09

Serial No. 11

22.

Subd. In Act X of 1882, the expression "Magistrate of Police is held to mean "Presidency Magistrate". But Regulation I of 1886 introducing the said Act into Mysore, omits all provisions relating to the Presidency Magistrates. Act X of 1872, which was in force in Mysore prior to 1886, does not contain any reference to Police Magistrates. As the papers relating to the introduction of this act are not traceable in the Records, it is not possible to ascertain the acts or Regulations in force in Mysore prior to 1872.

Rep

HCS SN
5-10-10.

Please look up how the word has been defined in the Penal & Indian Codes of Criminal Procedure. (Of course the Expression can not be found in any of the Codes)

particularly 1853 (as the Breach of Contract Act was passed in 1859)

5/10/10.

J.J.O.

GPB—55,000—27-4-09

G. R. S. 12.
General and Revenue Secretariat.

C to File No. 57 of 1910-11

Serial No.	
	VIII of 1849
	XIII of 1856
	XXI of 1864
	IV of 1877
	Madras Act I of 1867

13 Submitted with the marginally noted Acts which contain references to the Police Magistrates.

Hez SN 19/11/10
9-11-10

14 Madras Act No I of 1867 (flagged P) Contains a definition of the expression "a Magistrate of the police". The other Acts do not.

11/11/10

2nd def 15 817

The Act was primarily intended for Presidency Towns & so the opinion of the Ch. Presy Magt must be right 16 Draft appd

16 Rec 19/11/10
B 12/12

Hamm
M

Draft
SA
22/11/10.

NOTE—Contn. sheet.

GPB—55,000—27-4-09

G. R. S. 12]
General and Revenue Secretariat.

File No. of 190

Serial No. 2

To the District Magistrate of Bangalore, No 1581 of 25-11-10,

States that Special authorization is necessary in the case of a 1st Class Magistrate also to enable him to take Cognizance of Cases under the Breach of Contract Act.

NOTE—Contn. sheet.

GPB—55,000—27.4.15

1918

1910—11 J 523

From The District Magistrate
Bangalore District

To The Secretary to the
Government of Mysore
General Revenue Department

Dated 18 August 1910

Despatched do

Received

General No.

S No. 82

Enclosure No.

Requesting to be informed
if a magistrate of the 1st
class in this State is a
magistrate of Police for
the purposes of Sec 5
of the Breach of Contract
Act XIII of 1859

GPB—70 reams—27-12-09

S. 82 (1).

District Magistrate's Office.
Bangalore District.
Dated Bangalore 18th August 10.

From
B. J. Kumarasamy Naik Esqre B.A.
District Magistrate.
Bangalore District.

To L. S. Balasundaram Iyer Esqre B.A.
Secretary to Government of Mysore
General Revenue Departments.
Bangalore.

Sir,

I have the honor to request to be kindly informed if a Magistrate of the First Class in this State, is a Magistrate of Police for the purposes of section 5 of the Breach of Contract Act XIII of 1859; and if not, whether such Magistrates should be specially invested by Government, to enable them to take cognizance of cases under the said Act.

I have the honor to be
Sir,
Your most obedient servant,

District Magistrate.
Bangalore District.

2

G.R.S. 26]

File No.

Serial No.

5-2-0
23-11-10

Diary No. of letter replied to

No. J 15'81
C5-5-7-10

General and Revenue Secretariat
(C5)
, *the* 190

To

The District Magistrate
Bangalore Dt

Date of issue 25-11-10

Signed by Mr S Hiriyannaiya

Sir,

Adverting to your letter no. S-82 dt 18th August 1910. requesting to be informed whether a Magistrate of the 1st class is in this State is a Magistrate of Police for the purposes of sec 5 of the Breach of Contract Act, and if not, whether ~~Each~~ special investiture under the said act ~~was~~ is necessary in this case, I am directed to inform you that Special authorisation is necessary in the case of a 1st class magistrate also, to enable him to take Cognisance of cases under the said Act.

over.

I have &c

SUBJECT.

19/11/10

19/9/10

17.9.10

For Secretary